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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

THE PEOPLE,

Plaintiff and Respondent,

v.

PAUL TOLLESON,

Defendant and Appellant.

C063771

(Super. Ct. No. 62089486)

After his motion to suppress was denied, defendant Paul Edward Tolleson pled no contest to possession of a controlled substance in exchange for the dismissal of other charges and Proposition 36 probation. The factual basis for defendant's plea showed that he possessed methamphetamine on April 10, 2009. The trial court (Nichols, J.) granted probation pursuant to the plea bargain, including a one-day jail term, with credit for the one day defendant had already served, and defendant timely filed this appeal.

The evidence at the suppression motion showed that on April 10, 2009, just after midnight, a deputy sheriff stopped the car defendant was driving for speeding. Defendant showed signs of drug impairment. Defendant gave permission to search the car, and the deputy found a "crystal substance" he thought was methamphetamine, and a "glass meth pipe." As the deputy took those items to the patrol car, another deputy told him that defendant had something in his mouth, and defendant spit out a baggie with a "crystal substance"; according to the deputy, defendant "handed it to me and explained, 'It's meth.'"

Defendant's testimony at the suppression hearing differed in part from the deputy's, but he conceded the car he was driving had no speedometer, and he testified he did not recall whether he gave consent to a search. The trial court (Curry, J.) credited the deputy's testimony and denied the motion to suppress.

We appointed counsel to represent defendant on appeal. Counsel filed a brief setting forth the facts of the case and requested this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having examined the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

ROBIE, J.

We concur:

HULL, Acting P. J.

BUTZ, J.